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A REPORT OF INTERIM ACTIVITY . . . MONTANA LEGISLATIVE COUNCIL . . . HELENA

July 1978

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LEGISLATIVE COUNCIL

STATE DOCUMENTS COLLECTION

BILL DRAFTING POLICY

At their June 19 meeting the Legislative Council approved a request to prepare the proposed local government code (HB 122) for introduction in the 46th Legislature as 13 individual prefiled bills. It is the policy of the Council to accept bill drafting requests from and to prepare draft legislation, within the limits of staff resources and time, for hold-over senators or any legislator who is unopposed in the general election.

COUNCIL TO MEET JULY 28

The Legislative Council will meet July 28 at 9:00 a.m. to discuss the budget for the next biennium and a study of Council staffing.

1977 SESSION LAWS NEEDED

Are your copies of the 1977 Session Laws just sitting on the shelf gathering dust? The Council needs additional copies of the 1977 Session Laws to fill recent orders. If you don't need your Session Laws please return them to the Legislative Council. Your assistance in this matter will be appreciated. The Council will not be reprinting additional copies of the Session Laws due to the expense, but orders keep coming in.

LEGISLATIVE IMPROVEMENT FINAL REPORT

The final report of the Subcommittee on Legislative Improvement has been temporarily delayed due to printing problems. Copies of the final report will be available in mid-July.

PLEASE RETURN

CODE
COMMISSIONER

Camera-ready copy for 35 out of 50 Titles has been received by the Council and printing has been commenced. Artcraft Printers of Bozeman was the low-bidder for the recodified code which is expected to be available for distribution in October, 1978. A prefiled bill request for Senate Bill 1 to adopt the new code has been filed by Senator Carroll Graham, Chairman of the Council. The Council has already received orders for 600 copies of the new code and expects to sell about 2000 copies at cost which at this time is expected to be about \$100 per 12-Vol. set.

WATER
RIGHTS

The Subcommittee on Water Rights held a meeting on June 3 to review draft legislation designed to begin adjudication of all existing 1973 water rights. These rights will be adjudicated in a special system of water courts that will be created if the committee proposals are adopted. Legislators who wish to receive a copy of draft legislation for review before the final August 5 meeting of the committee may contact the Legislative Council.

HUMAN
SERVICES
PUBLIC
HEARING
JULY 28

The Interim Committee on Human Services met June 23 and heard a panel of mental health representatives discuss cooperation in the mental health field. The committee gave final approval for legislation to: 1) create a permanent human service oversight committee, and 2) request human service agencies to develop: a) one stop service, b) multi-purpose caseworker and team management, c) co-location of agencies, and d) information and referral systems. The committee requested that legislation be developed to: (1) transfer the functions of the developmentally disabled programs from the department of SRS to the department of Institutions, (2) transfer all youth service functions (after care, Mountain View, Pine Hills and Swan River) from the department of Institutions to the department of SRS, (3) change the name of the department of Institutions to the department of Community and Residential Services, and (4) request the governor to reduce central administrative office staff of human service agencies by 25% and use the savings to increase the number of community workers. The committee will hold a public hearing on

draft legislation July 28 in the House Chambers beginning at 9:30 a.m.

STATE LEGAL
SERVICES AND
ELECTION LAWS

The Subcommittee on State Legal Services and Election Laws met June 26 to review draft legislation creating a legal services review board, creating a pool of attorneys in the office of the Attorney General, and clarifying the authority of state agency attorneys to represent the state. The draft of a revised, unified election code was also reviewed by the Subcommittee. Final action on the proposed election code and the legal services legislation will be taken at the meeting of the Subcommittee on August 4. Drafts will be available for review prior to the final meeting.

EDUCATION
AND CULTURAL
HERITAGE

The Interim Subcommittee on Education met June 24 to discuss a proposed vocational-technical district act and hear testimony from interested persons. The Subcommittee received a status report on community college governance and on the Historic Records study (HJR 18). The Subcommittee's final meeting will be in early August at which time final recommendations will be established for vocational education governance, community college governance, and historic records.

ADMINISTRATIVE CODE COMMITTEE

PROPOSED
LEGISLATION

The committee met June 24 to review staff proposals for reducing difficulties encountered with MAPA. A hearing will be held on August 5 to review drafts of the following proposals: (1) tasking agencies with inputting rules into Automated Text Management Service (ATMS) provided by Department of Administration, changing RCM references to MCA, renumbering using 3 part numbers, and reviewing to ensure necessity; (2) providing an informal hearing procedure for contested cases in which both parties agree to waive formal procedure; (3) creating a clearinghouse for hearings officers; and (4) providing state agencies with the right to appeal contested case decisions.

RULE REVIEW

The committee reviewed rules proposed and adopted in April, May, and June Registers. Staff was asked to request agency explanations of the authority for the following proposed rules: (1) requirement that licensed surveyor perform or supervise surveying tasks (Dept. of Licensing - April); (2) interpretation of exemptions to water well contractors licensing requirements (Dept. of Licensing - April) (3) section stating that users of Castle Rock Reservoir assume all risk of use as to Montana Power and the Dept. of Fish and Game (F + G - May); (4) lack of bid process for commercial fishing permit (F + G - May); (5) subrogation of SRS in third party liability claims for medical assistance provided to recipients of benefits (SRS - May); and (6) grants-in-aid to counties (SRS - May). Staff comments concerning the following rules will be forwarded to the agencies involved: (1) changes in county printing fees (Bd. of County Printing - April); (2) regulation of employment agencies (Labor - April); (3) railroad safety rules (PSC - April); and (4) boxing -- officials, license fees (Licensing - June).

LEGISLATIVE AUDIT COMMITTEE

REPORTS ISSUED

The Legislative Audit Committee met June 26 to receive, review, and file the following financial/compliance audit reports: Department of Administration, Workers' Compensation Grand Jury and Special Project; and Review of State Telephones Located Outside State Agency Premises.

SUNSET

The committee heard testimony during the public hearing concerning sunset audit reports, Board of Accountants and Board of Architects. Recommended legislative action will be determined at the next meeting which will be held July 24.

REPORTS AVAILABLE

The Legislative Audit Committee will recommend to the 46th Legislature that the Board of Abstracters be terminated. Copies of the audit reports are available from the

Office of the Legislative Auditor, Room 135,
Capitol Bldg., Helena, Montana, 59601;
Telephone (406) 449-3122.

REVENUE OVERSIGHT COMMITTEE

JULY MEETING TO BE HELD

The Revenue Oversight Committee will hold a two-day meeting July 21 and 22, to begin formulating bills and recommendations to be presented to the 46th Legislature. The meeting will begin at 9:30 A.M. in room 413, State Capitol.

COAL TAX OVERSIGHT COMMITTEE

JULY 14 MEETING

The Coal Tax Oversight Committee will hold a "working session" July 14 to begin drawing up its final report and recommendations to the next legislature. The meeting will be held in room 412, State Capitol, Helena, beginning at 9:30 A.M.

LEGISLATIVE CONSUMER COMMITTEE

GRAIN CAR SHORTAGE

The Legislative Consumer Committee conducted an open meeting in Great Falls on April 21, concerning the recurring railroad grain car shortage problem. At the regular business meeting the Consumer Counsel was authorized (1) to hire expert witnesses for the current major general gas and electric rate case filed by Montana-Dakota Utilities Co. (The participation of experts in this case will mark the first time that the Consumer Counsel has sponsored in-depth analysis and testimony relating to gas and electric rate structure issues); (2) to appeal to the Supreme Court from a district court decision that certain Montana Power Company electric rate bases could never again be examined by the Public Service Commission and that the Commission could not order audits of the power company's books for certain purposes; (3) to appeal two PSC decisions relating to the bases for granting rate increases to the city of Helena

Water Department and to Northwestern Telephone Systems, Inc. which serves the Kalispell area; (4) to participate in Supreme Court argument in a case involving the town of Eureka on the issue of whether the PSC has jurisdiction over sewer rates; (5) to participate in a case filed by the Union Pacific Railroad with the ICC for authority to abandon railroad line from Asnton, Idaho to West Yellowstone, Montana; and (6) to intervene in a case filed by Montana railroads with the Circuit Court of Appeals in Chicago appealing an ICC order that the railroads had overcharged Montana grain shippers by approximately \$300,000. (Counsel will help defend the ICC order.) The Consumer Counsel has also participated on behalf of Montana Power Company consumers in a case pending before the Federal Energy Regulatory Commission on a petition by the Confederated Salish and Kootenai Tribes to re-adjust the charges paid by the utility to the tribes for the use of lands underlying the Kerr Dam project.

LEGISLATIVE FINANCE COMMITTEE

MEETING

The committee will meet on Thursday and Friday, July 13 and 14 in room 405, State Capitol.

AGENDA

The agenda includes an update of the medicaid expenditure rate and cost containment measures by SRS; a progress report on the alcohol program; a review of the executive planning process; a progress report on university formula budgeting efforts; and the outlook for public school funding in fiscal 1979.

ENVIRONMENTAL QUALITY COUNCIL

FACT FINDING TRIP

Seven members of the Environmental Quality Council made a fact finding visit to the Northeast part of the state and southern Saskatchewan. The purpose of the trip was to become familiar with the problems of that

area. Public meetings were held in Scobey, Plentywood, and Sidney to allow local residents to voice concerns on environmental issues. The first day in Saskatchewan was spent visiting the dam on the east fork of the Poplar River, the power plant and coal mine at Coronach, and the potash plant at Belle Plaine. The second day the group visited saline seep problem sites, reclaimed areas and the various oil fields around Plentywood. On the third day the Council toured an agricultural experiment farm, the Fort Union historic site, oil well drilling sites, the Knife River coal mine, the Holly Sugar plant, and the Agriculture Research Center. The residents of the various cities voiced concerns at public meetings concerning the Poplar River dam and power plant at Coronach, gas flaring, shot hole problems, subdivision laws, oil and gas exploration wells allowing brine to spread to another aquifer, the loss of Canadian crude oil, burning of oil pits, northern tier pipeline, and sour gas problems.

The Environmental Quality Council staff is reviewing subdivision plats and their effects on agricultural range and forest lands. Working with information compiled by the Department of Community Affairs and the Department of Natural Resources and Conservation an acreage estimate may be computed and subsequently an impact assessment predicted.

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